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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Maurice Eduardus Theodorus van Esbroeck, et al.
Serial No.: 09/865,180 Art Unit: 1761
Filed: May 24, 2001 Examiner: S. Weinstein
For: ADDING AN ADDITIVE TO A MEAT PRODUCT

Attorney Docket No. V0028/258606

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this Amendment and Response to Office Action and all documents referred to as enclosed are being facsimile transmitted to the U.S. Patent and Trademark Office on May 9, 2003 fax no. 703-872-9310 at TC1700 (ART UNIT 1761).

Colleen T. Kadian
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AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

This paper responds to the Office Action mailed April 9, 2003 in the above-identified patent application.

REMARKS

By the present amendment, Applicants elect with traverse to pursue prosecution of Species II, wherein the detection means is a camera. No fees are believed due; however, the Patent Office is authorized to debit deposit account 11-0855 if it determines otherwise.

ELECTION

The October 4, 2002 Office Action maintained that the application contains claims directed to four patentably distinct inventions, Groups I-IV. The Action further maintained that the claims of Groups I and II are directed to four patentably distinct species, Species I-IV. In a December 20, 2002 Amendment and Response to Office Action, Applicants previously

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elected with traverse to pursue prosecution of Group I (claims 1-29 and 48-51) and Species I, wherein the additive treatment comprises an additive emitting jet.

In the present Office Action, the Examiner has withdrawn the restriction requirement between Group I (claims 1-29 and 48-51) and Group II (claims 30-42). The Action now maintains that the application contains claims directed to two further patentably distinct species and requires Applicants to elect between Species I (wherein the detection means is a weigher) and Species II (wherein the detection means is a camera). Applicants hereby elect with traverse to prosecute the invention of Species II, wherein the detection means is a camera. Claims 1-19¹, 21, 24-27, 30, 31, 33-38², 48, 49, and 51 are directed to the elected species wherein the additive treatment comprises an additive emitting jet and wherein the detection means is a camera.

Applications elect current Species II (wherein the detection means is a camera) with traverse and request reconsideration and withdrawal of the election requirement. The Action has failed to show that a different field of search would be required for Species I and II, and, at least for this reason, has failed to establish sufficient cause for requiring the election. See MPEP 808.02. Should the Examiner's search fail to uncover prior art applicable to the elected Species II (wherein the detection means is a camera), Applicants assume that the Examiner will expand

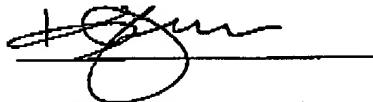
¹ Applicants inadvertently failed to include claims 12-15 when identifying the claims directed to the elected species of an additive treatment that comprises an additive emitting jet. The Application teaches delivering "very powerful jets of additive which penetrate into the meat product 22 in order in this way to introduce the additive into the interior of the meat product 22" (paragraph 85), and thus claims 12, 13, and 15 fairly read on the elected species of an additive treatment that comprises an additive emitting jet. Moreover, claim 14 recites an additive treating means that comprises at least one high-pressure jet nozzle and therefore also fairly reads on the elected species of an additive treatment that comprises an additive emitting jet.

² The Application clearly teaches an embodiment of the "additive-adding means" of claim 35 that uses an electrostatic additive-application device with one or more jet nozzles. See, e.g., Paragraphs 59-64. Thus, claim 35 fairly reads on the elected species of an additive treatment that comprises an additive emitting jet. Moreover, for the same reason that claims 12 and 13 read on an additive treatment that comprises an additive emitting jet (see *supra* note 1), so too do claims 36 and 37.

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the scope of his search to cover Species I (wherein the detection means is a weigher). Similarly, applicants renew their request for the Examiner to expand the scope of his search to cover the non-elected species identified in the October 4, 2002 Office Action should his search fail to uncover prior art applicable to the species of an additive treatment comprising an additive emitting jet elected in the December 20, 2002 Amendment and Response to Office Action.

Respectfully submitted,



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